

Executives (SCORE); Small businesses; Technical assistance; Volunteers.

### 13 CFR Part 144

Disaster assistance; Loan programs—business; Small businesses.

### 48 CFR Part 2209

Administrative practice and procedure; Government procurement.

For the reasons set forth above and the authority of 15 U.S.C. 634(b)(6), SBA hereby amends Title 13 of the Code of Federal Regulations by removing parts 106, 109, 110, 111, 128, 129 and 144; and Title 48 of the Code of Federal Regulations by removing part 2209, and chapter 22, consisting of subchapter B, part 2209 is vacated.

Dated: September 14, 1995.

Philip Lader,

Administrator.

[FR Doc. 95-24826 Filed 10-24-95; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

### 15 CFR Part 806

RIN 0691-AA25

### Direct Investment Surveys: Change in Reporting Requirements for the Annual Survey of U.S. Direct Investment Abroad (BE-11)

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** These final rules revise the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad. The BE-11 is a mandatory survey of U.S. direct investment abroad conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce. The final rules will: Raise the overall exemption level for the survey, and the exemption level for reporting individual nonbank foreign affiliates on Forms BE-11B(LF) and BE-11C, from \$15 million to \$20 million; institute a short form, Form BE-11B(SF), for U.S. companies to report their majority-owned nonbank foreign affiliates with assets, sales, and net income in the \$20 to \$50 million range; and for fiscal year 1997 only, require the largest nonbank foreign affiliates owned between 10 and 20 percent to be reported on Form BE-11C, along with affiliates owned between 20 and 50 percent. In all years, nonbank foreign affiliates owned between 20 and 50 percent by all U.S. Reporters (U.S.

parent companies) of the affiliate combined must be reported on Form BE-11C if their assets, sales, or net income exceed \$20 million. For fiscal year 1997 only, Form BE-11C must also be filed for nonbank foreign affiliates owned, directly and/or indirectly, at least 10 percent by one U.S. Reporter (i.e., U.S. parent company), but less than 20 percent by all U.S. Reporters of the affiliate combined, if the affiliate's total assets, sales, or net income exceed \$100 million.

**EFFECTIVE DATE:** These rules will be effective November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Betty L. Barker, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9800.

**SUPPLEMENTARY INFORMATION:** In the August 1, 1995 Federal Register, Volume 60, No. 147, 60 FR 39128, BEA published a notice of proposed rulemaking to revise the reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad. No comments on the proposed rules were received. Thus, these final rules are the same as the proposed rules.

The BE-11 annual survey is part of BEA's regular data collection program for U.S. direct investment abroad. The survey is mandatory and is conducted pursuant to the International Investment and Trade in Services Survey Act (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended).

The BE-11 survey consists of an instruction booklet, a claim for not filing the BE-11, and the following report forms:

1. Form BE-11A for reporting by a U.S. Reporter that is not a bank;
2. Form BE-11B(LF) (Long Form) for reporting majority-owned nonbank foreign affiliates with assets, sales, or net income greater than \$50 million (positive or negative);
3. Form BE-11B(SF) (Short Form) for reporting majority-owned nonbank foreign affiliates with assets, sales, or net income greater than \$20 million, but not greater than \$50 million (positive or negative); and
4. Form BE-11C for reporting minority-owned nonbank foreign affiliates.

A Form BE-11A must be filed by each nonbank U.S. person having a foreign affiliate reportable on Form BE-11B(LF), BE-11B(SF), or BE-11C. Under these final rules, the exemption level for reporting individual foreign affiliates on Form BE-11B(LF) or (SF) or BE-11C—and, thus, for determining whether a U.S. person has to file Form BE-11A—

is raised from \$15 million to \$20 million. The exemption level is the level of a foreign affiliate's assets, sales, or net income below which a Form BE-11B(LF) or (SF) or BE-11C is not required. Raising the exemption level lowers the number of reports that otherwise must be filed, thus reducing the reporting and processing burdens. The new exemption level of \$20 million is the same as that recently approved for the related quarterly Form BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate.

In addition to raising the exemption level, these final rules will institute the BE-11B(SF) short form. Majority-owned nonbank foreign affiliates for which assets, sales, or net income is greater than \$20 million (positive or negative), but for which no one of these items is greater than \$50 million (positive or negative), will be required to be reported on Form BE-11B(SF). The use of a short form means that, for about 3,700 foreign affiliates, U.S. companies will now report significantly fewer data items than on the last (1993) annual survey.

For fiscal year 1997 only, these final rules will require the largest nonbank foreign affiliates owned between 10 and 20 percent to be reported on Form BE-11C, along with affiliates owned between 20 and 50 percent. In all years, reporting on Form BE-11C is required if an affiliate is owned between 20 and 50 percent by all U.S. Reporters combined and if its assets, sales, or net income exceed \$20 million. Primarily to reduce reporting burden of the survey, affiliates owned less than 20 percent do not have to be reported. However, U.S. direct investment abroad is defined by law to include all foreign business enterprises owned 10 (not 20) percent or more, directly or indirectly, by a U.S. person. BEA conducts periodic benchmark surveys of U.S. direct investment abroad (the BE-10), covering all foreign affiliates owned 10 percent or more. A benchmark survey for the year 1994 is now being conducted; the next survey will cover the year 1999. In order to maintain reliable estimates of data for the universe of all foreign affiliates in nonbenchmark years, reporting for the largest affiliates owned between 10 and 20 percent is needed for at least one year between benchmark surveys. Although the U.S. ownership percentages in these affiliates are low, some of the affiliates are very large and have a sizable impact on the estimates. Under these final rules, reporting of Form BE-11(C) for nonbank foreign affiliates owned directly and/or indirectly, at least 10 percent by one U.S. Reporter, but less than 20 percent

by all U.S. Reporters of the affiliate combined, and for which assets, sales, or net income exceed \$100 million would be required for fiscal year 1997 only.

These new rules will be effective with the survey covering fiscal year 1995. The 1995 forms will be mailed out in March 1996 and will be due May 31, 1996. The last BE-11 survey covered the year 1993. (A BE-11 survey is not conducted in a year, such as 1994, when a BE-10 benchmark survey is conducted.)

#### Executive Order 12612

These final rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

#### Executive Order 12866

These final rules have been determined to be not significant for purposes of E.O. 12866.

#### Paperwork Reduction

The collection of information in these final rules has been approved by OMB (OMB No. 0608-0053).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

The public reporting burden for a U.S. company for this collection of information can range from 4 hours for the smallest and least complex U.S. Reporter that has one affiliate, to approximately 3,000 hours for a large U.S. Reporter that has up to 150 affiliates with a wide range of activities; the average burden per Reporter is 62 hours. The estimated burden includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments from the public regarding the burden estimate or any other aspect of this collection of information should be addressed to: Acting Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Department of Commerce (OMB Control No. 0608-0053).

#### Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these final rules will not have a significant economic impact on a substantial number of small entities. The exemption level is set in terms of the size of a U.S. company's foreign affiliates. Only if the affiliate's assets, sales, or net income exceeds \$20 million must it be reported. Usually, the U.S. parent company (the one required to file the report) is many times larger.

In addition, by raising the exemption level from \$15 million to \$20 million, U.S. parent companies will no longer have to report for affiliates between \$15 and \$20 million. This change should reduce the reporting burden on smaller U.S. businesses that own these affiliates. Also, to minimize the reporting burden on smaller U.S. businesses, majority-owned affiliates with assets, sales, and net income in the range of \$20 million to \$50 million will be reported on the abbreviated BE-11B(SF), or short form, rather than the BE-11B(LF), or long form.

#### List of Subjects in 15 CFR Part 806

Balance of payments, Economic statistics, Foreign investments in United States, Reporting and recordkeeping requirements, United States investments abroad.

J. Steven Landefeld,

*Acting Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, 15 CFR Part 806 is amended as follows:

#### **PART 806—DIRECT INVESTMENT SURVEYS**

1. The authority citation for 15 CFR Part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101-3108; and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 806.14(f)(3) introductory text, (f)(3)(i), (f)(3)(ii), (f)(3)(iii), (f)(3)(iv) (A) through (C), and (f)(3)(v) are revised to read as follows:

#### **§ 806.14 U.S. direct investment abroad.**

\* \* \* \* \*

(f) \* \* \*

(3) BE-11—Annual Survey of U.S. Direct Investment Abroad: A report, consisting of Form BE-11A and

Forms(s) BE-11B(LF), BE-11B(SF), and/or BE-11C, is required of each nonbank U.S. Reporter who, at the end of the Reporter's fiscal year, had a nonbank foreign affiliate reportable on Form BE-11B(LF), BE-11B(SF), or BE-11C. Forms required and the criteria for reporting on each are as follows:

(i) Form BE-11A (Report for U.S. Reporter) must be filed by each nonbank U.S. person having a foreign affiliate reportable on Form BE-11B(LF), BE-11B(SF), or BE-11C.

(ii) Form BE-11B (LF) or (SF) (Report for Majority-owned Foreign Affiliate).

(A) A BE-11B(LF) (Long Form) is required to be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items—total assets, sales or gross operating revenues excluding sales taxes, or net income after provision for foreign income taxes—was greater than \$50 million (positive or negative) at the end of, or for, the affiliate's fiscal year.

(B) A BE-11B(SF) (Short Form) is required to be filed for each majority-owned nonbank foreign affiliate of a nonbank U.S. Reporter for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$20 million (positive or negative), but for which no one of these items was greater than \$50 million (positive or negative), at the end of, or for, the affiliate's fiscal year.

(iii) Form BE-11C (Report for Minority-owned Foreign Affiliate) must be filed for each minority-owned nonbank foreign affiliate that is owned at least 20 percent, but not more than 50 percent, directly and/or indirectly, by all U.S. Reporters of the affiliate combined, and for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$20 million (positive or negative) at the end of, or for, the affiliate's fiscal year. In addition, for the report covering fiscal year 1997 only, a Form BE-11C must be filed for each minority-owned nonbank foreign affiliate that is owned, directly or indirectly, at least 10 percent by one U.S. Reporter, but less than 20 percent by all U.S. Reporters of the affiliate combined, and for which any one of the three items listed in paragraph (f)(3)(ii)(A) of this section was greater than \$100 million (positive or negative) at the end of, or for, the affiliate's fiscal year.

(iv) \* \* \*

(A) None of its exemption level items is above \$20 million.

(B) For fiscal year 1997 only, it is less than 20 percent owned, directly or indirectly, by all U.S. Reporters of the affiliate combined and one of its

exemption level items exceeds \$100 million.

(C) For fiscal years other than 1997, it is less than 20 percent owned, directly or indirectly, by all U.S. Reporters of the affiliate combined.

\* \* \* \* \*

(v) Notwithstanding paragraph (f)(3)(iv) of this section, a Form BE-11B(LF), BE-11B(SF), or BE-11C must be filed for a foreign affiliate of the U.S. Reporter than owns another nonexempt foreign affiliate of that U.S. Reporter, even if the foreign affiliate parent is otherwise exempt. That is, all affiliates upward in the chain of ownership must be reported.

\* \* \* \* \*

[FR Doc. 95-26327 Filed 10-24-95; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Parts 902, 906, and 944

#### Alaska, Colorado, and Utah Regulatory Programs and Abandoned Mine Land Reclamation (AMLR) Plans

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** OSM is making technical amendments to the regulations in programs for the conduct of surface mining operations within each State. Owing to an agency reorganization resulting in a change of the offices responsible for processing regulatory program and AMLR plan amendments for Alaska, Colorado, and Utah, OSM is changing the addresses for the locations of publicly available copies of the Alaska, Colorado, and Utah regulatory programs and AMLR plans. Also, OSM is creating a section for Colorado AMLR plan amendment approvals to promote consistency with the codification that OSM has used for other States.

**EFFECTIVE DATE:** October 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gloria Prettiman, Branch of Environmental and Economic Analysis, OSM, 1951 Constitution Ave., NW., Washington, DC 20240, Telephone: (202) 208-2928.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with 30 CFR Parts 730 through 732 and 884, OSM processes

regulatory programs and AMLR plans, and amendments to these programs and plans, which are submitted by the States for OSM review and approval.

OSM has reorganized and changed the offices responsible for processing regulatory program and AMLR plan amendments for Alaska, Colorado, and Utah. Previously, the Casper (Wyoming) Field Office processed Alaska amendments and housed the administrative record for them, and the Albuquerque (New Mexico) Field Office processed Colorado and Utah amendments and housed the administrative records for them. Under OSM's reorganized structure, the Western Regional Coordinating Center, Denver (Colorado) Field Division now processes the amendments for Alaska, Colorado, and Utah, and the Western Regional Coordinating Center, Technical Library houses the administrative records for these State regulatory programs and AMLR plans. Therefore, OSM is changing the addresses at 30 CFR 902.10, 902.20, 906.10, 906.20, 944.10, and 944.20 to indicate that the Alaska, Colorado, and Utah regulatory programs and AMLR plans are available for public review in the Technical Library at the Western Regional Coordinating Center.

OSM is also taking this opportunity to create 30 CFR 906.25, Approval of Amendments to the Colorado Abandoned Mine Land Reclamation Plan. Currently, 30 CFR 906.20 includes both information on OSM's original approval of the Colorado AMLR plan and information on an amendment to the plan that OSM subsequently approved. By removing the information on the amendment from 30 CFR 906.20 and placing it in newly-created 30 CFR 906.25, OSM is being consistent with the codification it has used for other State plans and plan amendments.

##### II. Procedural Matters

###### 1. Administrative Procedure Act

The minor revisions contained in this rulemaking are technical in nature. Accordingly, pursuant to 5 U.S.C. 553(b)(B), it has been determined that the notice and public comment procedures of the Administrative Procedure Act are unnecessary. For the same reason, it has been determined that, in accordance with 5 U.S.C. 553(d), there is good cause to make the rule effective on the date of publication in the Federal Register.

###### 2. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget

(OMB) under Executive Order 12866 (Regulatory Planning and Review).

###### 3. Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. This rule (1) does not preempt any State, Tribal, or local laws or regulations; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging its provisions.

###### 4. National Environmental Policy Act

This rule has been reviewed by OSM, and it has been determined to be categorically excluded from the National Environmental Policy Act (NEPA) process in accordance with the Departmental Manual (516 DM 2 appendix 1.10) and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1507.3).

###### 5. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

###### 6. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 30 CFR Parts 902, 906, and 944

Abandoned mine reclamation programs, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 17, 1995.

Peter A. Rutledge,

Acting Regional Director, Western Regional Coordinating Center.

For the reasons set forth in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

#### PART 902—ALASKA

1. The authority citation for Part 902 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 902.10 is amended by revising paragraph (b) to read as follows: